

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 ONY-00 SS-15 NEAE-00 SSO-00 /026 W
-----038872 131737Z /41 R
O 131458Z JUL 77
FM AMEMBASSY TEL AVIV
RUEHC/SECSTATE WASHDC IMMEDIATE 7208
INFO AMCONSUL JERUSALEM

C O N F I D E N T I A L SECTION 1 OF 3 TEL AVIV 5121

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E.O. 11652: GDS
TAGS: SHUM, IS
SUBJECT: HUMAN RIGHTS CEP FOR ISRAEL

REF: STATE 152863

1. THE EMBASSY BELIEVES THE DEPARTMENT'S DRAFT CEP
FOR ISRAEL CONTAINED IN REFTEL IS ESSENTIALLY A
THOUGHTFULLY PREPARED AND AN ACCURATE PORTRAYAL OF THE
HUMAN RIGHTS SITUATION IN ISRAEL. WE SUGGEST THE
FOLLOWING CHANGES, MOST OF WHICH ARE RELATIVELY
MINOR, FOR THE DEPARTMENT'S CONSIDERATION.

2. IN THE THIRD SENTENCE OF PARA 2 REFTEL WE SUGGEST
THAT THE WORD "UNRELIEVED" BE CHANGED TO "CONINUING."

3. WE BELIEVE THE FIRST TWO SENTENCES OF PARA 3
REFTEL COULD RE REORDERED AND REWORDED AS FOLLOWS:
"THE HUMAN RIGHTS SITUATION IN THE OCCUPIED TERRITORIES
IS RATHER DIFFERENT AS A RESULT OF THE INEVITABLE
TENSIONS BETWEEN THE OCUPYING AUTHORITIES AND THE
INDIGENOUS POPULATION, MOSTLY PALESTINIANS. (ISRAEL
OCCUPIES THE WEST BANK OF JORDAN, THE GAZA STRIP,
MOST OF THE SINAI PENINSULA, AND PARTS OF THE
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GOLAN HEIGHTS AND HAS ANNEXED EAST JERUSALEM (A
SITUATION WHICH HAS NOT BEEN RECOGNIZED BY ANY
STATE). NOT MUCH IS KNOWN ABOUT HUMAN RIGHTS
MATTERS IN THE SINAI AND THE GOLAN AND EAST
JERUSALEM IS NOW CONSIDERED BY ISRAEL TO BE A
PART OF ITS TERRITORY. THEREFORE, FOR THE
PURPOSE OF THIS REPORT, THE TERM 'OCCUPIED

TERRITORIES' REFERS ONLY TO EAST JERUSALEM/
WEST BANK AND THE GAZA STRIP, WHERE THE VAST
MAJORITY OF THE PALESTINIAN POPULATION IN THE
OCCUPIED TERRITORIES IS LOCATED.)" THE FINAL
SENTENCE OF PARA 3 MIGHT INCLUDE THE FOLLOWING
WORDS: "MAINTAIN PUBLIC ORDER AND SECURITY" IN
PLACE OF THE WORDS "STAMP OUT TERRORISM AND
CONTAIN DISSIDENCE."

4. WE SUGGEST THE FIRST SENTENCE OF PARA 4 READ
AS FOLLOWS: "THIS DICHOTOMY BETWEEN THE GENUINE
DEMOCRACY OF ISRAEL PROPER AND THE INHERENT
AUTHORITARIANISM OF MILITARY OCCUPATION IS DEEPLY
DISTURBING TO MANY ISRAELIS WHO MAINTAIN THAT...
ETC." WE BELIEVE THIS PARA DOES NOT SHOW ENOUGH
ATTENTION TO ISRAEL'S SECURITY CONCERN ABOUT THE
WEST BANK, IN ADDITION TO ITS CONCERN OVER RULE OF
NON-JEWISH INDIVIDUALS. WE, THEREFORE, SUGGEST
THAT THE SECOND TO LAST SENTENCE BE REVISED AS FOLLOWS:
"ANOTHER, AND EQUALLY VALID REASON FOR RETENTION
OF THE WEST BANK, IS THAT ISRAELIS ARE CONCERNED
THAT IT COULD BE THE BASE FOR TERRORIST ATTACKS
AGAINST ISRAEL PROPER. WHILE THE POLICE
OF THE PREVIOUS GOVERNMENT HAD BEEN TO SEEK,
IN THE CONTEXT OF A GENERAL PEACE SETTLEMENT, A
FORMULA THAT WOULD PERMIT THE REVERSION OF THE
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MOST HEAVILY ARAB-POPULATED AREAS OF THE WEST BANK
TO ARAB RULE, WHILE RETAINING MUCH OF THE SPARSELY-
POPULATED AREAS FOR MAINTENANCE OF WHAT ISRAEL
CONSIDERS ITS VITAL SECURITY REQUIREMENTS, THE
PUBLICLY STATED POLICY OF THE BEINGOVERNMENT IS THAT
NO WITHDRAWALS CAN TAKE PLACE FROM THE WEST BANK."

5. IN THE LAST SENTENCE OF PARA 7 REFTEL THE WORD
"APPROPRIATIONS" SHOULD BE CHANGED TO "EXPROPRIATIONS."

6. IN THE SECOND TO LAST SENTENCE IN PARA 11 REFTEL,
WE SUGGEST THE WORDS "OF ALMOST" BE REPLACED BY
THE WORDS "IN EXCESS OF." WE SUGGEST THE
FOLLOWING SENTENCE BE ADDED TO PARA 11 "INDIVIDUALS
CONVICTED OR SUSPECTED OF TERRORISM HAVE HAD THEIR

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HOMES DEMOLISHED, THEREBY INFLICTING A TYPE OF
COLLECTIVE PUNISHMENT."

7. THE DATE IN THE FOURTH SENTENCE OF PARA 12 SHOULD
BE CHANGED TO "JULY 1977." THE SIXTH
SENTENCE OF THAT PARA MIGHT BE CHANGED TO READ
AS FOLLOWS: "OF THIS NUMBER, FEWER THAN FORTY
ARE UNDER ADMINISTRATIVE DETENTION, THE REMAINDER
HAVING BEEN TRIED AND CONVICTED BY MILITARY
COURTS, ARE AWAITING TRIAL, OR ARE BEING HELD FOR
INVESTIGATION."

8. WE SUGGEST THAT THE FINAL SENTENCE OF PARA 14
INCLUDE THE WORD "CONSIDERED" AFTER THE WORD
"REFLECTED" AND "THERE HAVE BEEN INSTANCES WHERE"
BE INSERTED BEFORE THE WORD "INDIVIDUALS."

9. WE WOULD SUGGEST THE DEPARTMENT RECONSIDER
DEVOTING THREE PARAGRAPHS TO A DISCUSSION OF THE
RECENT REPORT IN THE LONDON TIMES ABOUT
THE USE OF TORTURE. IF THE CEP IS INTENDED TO BE
VALID FOR A CONSIDERABLE PERIOD OF TIME, THE
SUNDAY TIMES REPORT WILL LOSE ITS CURRENCY AND
THERE MAY BE OTHER SIMILAR ARTICLES IN THE
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MONTHS AHEAD. WE SUGGEST THAT PARAS 16, 17 AND
18 BE OMITTED AND THAT PARA 19 BE REWORDED. PARA
19 BEGINS BY SAYING THAT WE HAVE NO INDEPENDENT
MEANS TO CONFIRM OR REFUTE THE SUNDAY TIMES'
CHARGES. HOWEVER, THE INVESTIGATION BY JERUSALEM

AND EMBASSY AMMAN IN RESPONSE TO A CONGRESSIONAL INQUIRY AND THE STATEMENT FROM THIS EMBASSY CITED IN PARA 19 WERE NOT RELATED TO THE SUNDAY TIMES ARTICLE AND THE PRESENT DRAFT OF PARA 19 RATHER MAKES IT APPEAR THAT THAT WAS THE CASE.

10. PARA 23 STATES THAT CENSORSHIP ON MILITARY MATTERS IS RARELY EXERCISED. WE BELIEVE THAT STATEMENT IS INCORRECT; IN FACT REPORTS ON MILITARY MATTERS ARE ALWAYS SUBJECT TO CENSORSHIP, AND WE SUGGEST, THEREFORE THAT THE SECOND TO LAST SENTENCE IN PARA 23 END AFTER THE WORD "MATTERS."

11. WE SUGGEST THAT THE FINAL TWO SENTENCES IN PARA 27 READ AS FOLLOWS: "THE WEST BANK PRESS IS VERY OUTSPOKEN BUT IS SUBJECT TO CENSORSHIP. FREEDOM OF ASSEMBLY IS CIRCUMSCRIBED."

12. WE SUGGEST THE FOLLOWING SENTENCE BE INSERTED BEFORE THE FINAL SENTENCE IN PARA 29: "HOWEVER, THERE ARE RESTRICTIONS ON THE TRAVEL OF INDIVIDUALS FOR POLITICAL REASONS." FOR EXAMPLE, THE DEPARTMENT WILL RECALL THAT A NUMBER OF WEST BANK MAYORS HAVE RECENTLY BEEN DENIED THE RIGHT TO TRAVEL TO A CONFERENCE OF ARAB MAYORS AND TO CONSULT IN ARAB COUNTRIES REGARDING FUNDS FOR DEVELOPMENT PURPOSES.

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13. WE SUGGEST THAT THE WORD "POST-HOLOCAUST" BE REMOVED FROM PARA 32.

14. WE SUGGEST THE FIRST SENTENCE OF PARA 36 BE DELETED AND REPLACED BY THE FOLLOWING TWO SENTENCES: "RESIDENTS OF THE OCCUPIED TERRITORIES COMPLAIN THAT ISRAELIS DELIBERATELY RESTRICT ECONOMIC DEVELOPMENT ON BOTH POLITICAL AND COMMERCIAL GROUNDS THEREBY KEEPING THE WEST BANK/ GAZA AS A CAPTIVE MARKET FOR ISRAEL. EXAMPLES OF THIS ARE: THE REFUSAL TO PERMIT NABLUS AND HEBRON (THE WEST BANK'S TWO LARGEST CITIES) TO EXPAND ELECTRIC GENERATING CAPACITY AND INSTEAD INSIST ON POWER BEING SUPPLIED FROM THE ISRAEL GRID; PREVENTION OF THE CONSTRUCTION OF FACTORIES ESPECIALLY THOSE WHICH WOULD COMPETE WITH ISRAELI CONCERNS; RESTRICTIONS ON THE IMPORTATION OF RAW MATERIALS AND MACHINERY THROUGH BUREAUCRATIC DELAYS; AND THE INSISTENCE THAT RESIDENTS OF THE TERRITORIES, LIKE ISRAELIS, PAY VALUE ADDED

TAX." THE FINAL SENTENCE OF THAT PARA MIGHT BE
CHANGED TO READ AS FOLLOWS: "THE INDIGENOUS
ECONOMY OF THE OCCUPIED AREAS THEMSELVES, HOWEVER,
HAS REMAINED RELATIVELY STAGNANT AND MANY
INDIVIDUALS, ESPECIALLY THOSE WITH HIGHER EDUCATION,
FEEL COMPELLED FOR ECONOMIC REASONS TO LEAVE THE
AREA FOR ARAB COUNTRIES WHERE GREATER RESPONSIBILITIES.

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ACTION NEA-10

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EXIST."

15. WE BELIEVE PARA 38 IS SOMEWHAT NARROW IN ITS
DRAFTING AND SUGGEST THE SECOND SENTENCE READ
AS FOLLOWS: "INDEED, A FUNDAMENTAL HUMAN RIGHTS
CONCERN--JUSTICE FOR THE JEWISH PEOPLE--WAS AMONG
THE FACTORS WHICH LED TO THE FOUNDING OF ISRAEL."
WE SUGGEST THE FINAL SENTENCE IN PARA 38 BE
AMENDED BY SUBSTITUTING, THE FOLLOWING WORDING
AFTER THE WORDS "POSSIBLE": "UNTIL THE
ARAB-ISRAELI CONFLICT IS RESOLVED."

16. WE SUGGEST THE FOLLOWING SENTENCE BE INSERTED
AT THE BEGINNING OF PARA 39: "INHERENT IN ANY
MILITARY OCCUPATION IS THE DENIAL OF FUNDAMENTAL
HUMAN RIGHTS SUCH AS THE RIGHT OF SELF-DETERMINATION."
WE SUGGEST THAT THE FIRST PART OF THE FINAL
SENTENCE OF PARA 39 BE DELETED AND THAT SENTENCE
BEGIN WITH THE WORDS "THERE IS LITTLE..."

17. WE QUESTION WHETHER, EVEN IN AN INTERNAL
DOCUMENT SUCH AS THIS, IT IS WISE TO USE SOME

OF THE TERMINOLOGY IN PARA 40. FOR EXAMPLE, THE
WORDING IN THE FIRST SENTENCE ABOUT THE
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ORIGIN OF THE 1967 WAR WYOULD SURELY STIR UP
ARGUMENTS ABOUT WHO BEGAN THE WAR. WE SUGGEST
THAT THE WORDS "AGAINST ISRAEL BROUGHT ON BY THE
AGGRESSIVE ACTIONS OF THE ARAB STATES AND" BE
ELIMINATED. ALSO, DO WE WISH TO STATE THAT ISRAEL
"HAS THE RIGHT" TO CONTINUE ITS OCCUPATION? WE
SUGGEST THE FINAL SENTENCE BEGIN AS FOLLOWS:
"UNTIL SUCH A SETTLEMENT CAN BE WORKED OUT,
ISRAEL WILL PROBABLY REMAIN..."

18. WE SUGGEST THE FOLLOWING WORDS BE ADDED AT
THE END OF PARA 43: "ALTHOUGH IT HAS ON OCCASIONS
BEEN FORTHECOMING REGARDING VISITS BY REPRESENTATIVES
OF WHO, UNESCO AND THE ILO."

19. WE QUESTION THE USE OF THE WORDS "OR SHOULD
TRY TO" IN THE FIRST SENTENCE OF PARA 45. IT WOULD
SEEM TO US THAT THE WHOLE POINT OF THIS EXERCISE
IS TO TRY TO INFLUENCE ISRAELI POLICIES AND WE
SUGGEST THE FIRST SENTENCE OF PARA 45 READ SIMPLY:
"THERE MAY NOT BE A GREAT DEAL THAT THE UNITED
STATES CAN REALISTICALLY HOPE TO ACCOMPLISH IN THE
SHORT RUN TO INFLUENCE HUMAN RIGHTS ABUSES IN
THE OCCUPIED TERRITORIES."

20. WE SUGGEST DELETING THE SECOND SENTENCE IN
PARA 46: THIS IS AN ASSUMPTION WHICH MAY OR MAY
NOT PROVE CORRECT.

21. AGAIN, WE QUESTION THE WORDING IN THE FIRST
SENTENCE OF PARA 47, WHICH MAKES IT APPEAR THAT
OUR EFFORTS TO INFLUENCE ISRAELI PRACTICES ARE
NOTHING MORE THAN A PUBLIC RELATIONS EXERCISE.
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IF WE ARE TO TAKE UP THESE MATTERS WITH THE
ISRAELIS, WE MUST DO SO BECAUSE AND ONLY BECAUSE
WE BELIEVE HUMAN RIGHTS VIOLATIONS ARE ABHORRENT
AND NOT BECAUSE OF WHAT WE MIGHT GAIN BY PUBLIC
CRITICISM OF THOSE VIOLATIONS. WE SUGGEST,
THEREFORE, THAT THE FIRST SENTENCE OF PARA 47
BE DELETED AND THE SECOND SENTENCE BE ADDED

TO THE PREVIOUS PARAGRAPH.

22. IF THE DEPARTMENT WISHES TO RETAIN A REFERENCE TO THE SUNDAY TIMES ARTICLE, WE SUGGEST THE SECOND SENTENCE IN PARA 48 READ AS FOLLOWS: "PUBLIC REPORTS LIKE THAT IN THE SUNDAY TIMES, WHILE THEY MAY BE LARGELY UNCONFIRMED, WILL NEVERTHELESS..."

23. WE SUPPORT THE COURSE OF ACTION SUGGESTED IN THE FINAL SEVEN PARAGRAPHS OF REFTEL AND HAVE NO FURTHER CHANGES TO SUGGEST.

24. THIS MESSAGE HAS BEEN COORDINATED WITH THE CONGEN AT JERUSALEM AND CONSTITUTES OUR JOINT RESPONSE TO REFTEL.
LEWIS

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Message Attributes

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